

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

PALOMAR SPECIALTY INSURANCE )  
COMPANY, )  
                                  )  
Plaintiff/Counter-Defendant )  
                                  )  
                                  )  
vs.                             ) Civil Action No. 2:22-cv-136-TBM-RPM  
                                  )  
                                  )  
J.S. HELD LLC, )  
                                  )  
                                  )  
Defendant/Counter-Plaintiff )  
                                  )  
                                  )

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**PALOMAR SPECIALTY INSURANCE COMPANY'S ANSWER  
TO J.S. HELD LLC's COUNTERCLAIM FOR DECLARATORY RELIEF**

COMES NOW Plaintiff/Counter-Defendant Palomar Specialty Insurance Company, by and through undersigned counsel, and files this its Answer and Defenses to Defendant/Counter-Plaintiff J.S. Held LLC's Counterclaim for Declaratory Relief in the above-styled case, as follows:

**AFFIRMATIVE DEFENSES**

1.       Defendant/Counter-Plaintiff has failed to state a claim upon which this Court may grant relief, under Fed. R. Civ. P. 12(b)(6).
2.       Defendant/Counter-Plaintiff's claims are or may be barred in whole or in part by the doctrine of estoppel, laches, and/or waiver.
3.       Defendant/Counter-Plaintiff's claims are or may be barred in whole or in part by the doctrine of unclean hands.
4.       Defendant/Counter-Plaintiff lacks standing to assert or raise the claims in the Counterclaim for a Declaratory Judgment.
5.       The Counterclaim for a Declaratory Judgment should be dismissed because Defendant/Counter-Plaintiff is not a proper party plaintiff.

6. Defendant/Counter-Plaintiff may not have joined parties necessary for a just adjudication of the issues.

7. This Court may not have jurisdiction over the subject matter of the Counterclaim for a Declaratory Judgment.

**ANSWER TO COUNTERCLAIM FOR A DECLARATORY JUDGMENT**

1. Based on information and belief, Plaintiff/Counter-Defendant admits the allegations in Paragraph 1. Plaintiff/Counter-Defendant does not know the state(s) of residence of any of the members of the Defendant/Counter-Plaintiff Limited Liability Company.

2. Admitted.

3. Plaintiff/Counter-Defendant denies the allegations in Paragraph 3.

4. Plaintiff/Counter-Defendant denies the allegations in Paragraph 4.

5. Plaintiff/Counter-Defendant denies the allegations in Paragraph 5.

6. Plaintiff/Counter-Defendant denies the allegations in Paragraph 6.

Plaintiff/Counter-Defendant denies the allegations contained in the “WHEREFORE” clause, and specifically denies that Defendant/Counter-Plaintiff is entitled to a declaratory judgment or any other relief sought by Defendant/Counter-Plaintiff in the “WHEREFORE” clause and/or the Counterclaim for a Declaratory Judgment.

This 3<sup>rd</sup> day of November, 2022.

/s/ David A. Terry

David A. Terry

Mississippi Bar No. 106199

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Attorney for Plaintiff/Counter-Defendant

Palomar Specialty Insurance Company

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                ) )  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2022, I electronically filed the foregoing **PALOMAR SPECIALTY INSURANCE COMPANY'S ANSWER TO J.S. HELD LLC's COUNTERCLAIM FOR DECLARATORY RELIEF** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorney of record:

Edward J. Currie, Jr.  
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This 3<sup>rd</sup> day of November, 2022.

/s/ David A. Terry \_\_\_\_\_  
David A. Terry  
Mississippi Bar No. 106199